

TEMPORARY

Serial No. 59743 T

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office FEB 1 - 1994

Returned to applicant for correction

Corrected application filed Map filed

The applicant Blue Diamond Materials, Inc.

P.O. Box 8182 of Missoula
Street and No. or P.O. Box No. City or Town

Montana 59807 hereby make^s application for permission to change the
State and Zip Code No.

point of diversion, manner of use, and place of use of a portion

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 56688
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Identify right in Decree.

1. The source of water is Underground (Las Vegas Artesian Basin)
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.399 c.f.s., 20.5 million gallons annually
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for Industrial and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Railroad and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, T.22S., R.60E.,
Describe as being within a 40-acre subdivision of public survey and by course and
M.D.M., Clark County, Nevada, from which the NE corner of said Section 26 bears
distance to a section corner. If on unsurveyed land, it should be stated.
N. 63°30'54"E., a distance of 2863.18 feet.
6. The existing permitted point of diversion is located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, T.22S.,
If point of diversion is not changed, do not answer.
R.60E., M.D.M., from which the S $\frac{1}{4}$ corner of said section bears S. 61°25'00"W., a
distance of 653.0 feet.
7. Proposed place of use All land lying East of the Union Pacific Railroad Right of Way;
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
within the SE $\frac{1}{4}$ of Section 23, T.22S., R.60E., M.D.M., and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section
26, T.22S., R.60E., M.D.M., Clark County, Nevada.
8. Existing place of use SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T.22S., R.60E., M.D.M.,
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
Clark County, Nevada.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) 10" cased well, depth approximately 200',
State manner in which water is to be diverted, i.e. diversion structure.
submersible pump, pump house with check valve and meter, approximately 10,000
ditches, pipes and flumes, or drilled well, etc. gallon storage tank.
12. Estimated cost of works \$100,000
13. Estimated time required to construct works 90 days

14. Estimated time required to complete the application of water to beneficial use 180 days

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Total combined consumption between Permit _____ and Permit _____ not to exceed 0.80 c.f.s. and 41 m.g.a.

Compared ab/se ab/se

Protested _____

By s/ Gregory J. Walch, Attorney for
Blue Diamond Materials, Inc.
P.O. Box 8182
Missoula, MT 59807

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 56688 is issued subject to the terms and conditions imposed in said Permit 56688 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 59743-T and 59744-T shall not exceed 41.0 million gallons annually.

(CONTINUED ON PAGE 2)

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.399 cubic feet per second, but not to exceed 20.5

million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before _____

Proof of completion of work shall be filed before _____

Application of water to beneficial use shall be made on or before _____

Proof of the application of water to beneficial use shall be filed on or before _____

Map in support of proof of beneficial use shall be filed on or before _____

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 9th day of February

A.D. 19 94

[Signature]
 State Engineer

TEMPORARY

EXPIRED

DATE FEB - 8 1995

(PERMIT TERMS CONTINUED)

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from the well and the amount of water used.

This permit is issued subject to the condition set forth in a letter from Union Pacific Realty Company dated February 8, 1994 to the State Engineer concerning title of Permit 56688.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on February 8, 1995 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

